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Attorneys for Respondents

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

MOHAMED ALI SALEH,

Petitioner,

v.

JOHN KRAMAR, District Director, U.S.  
Department of Homeland Security, Citizenship  
and Immigration Services, San Francisco  
District; LEON RODRIGUEZ, Director of U.S.  
Department of Homeland Security, Citizenship  
and Immigration Services; JEH JOHNSON,  
U.S. Secretary of Homeland Security,

Respondents.

C 16-0985 KAW

**STIPULATION REMANDING CASE TO  
UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES, PURSUANT TO 8  
U.S.C. § 1447(b) and ~~PROPOSED~~ ORDER**

1. Petitioner commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to adjudicate his application for naturalization that was pending before the United States Citizenship and Immigration Services (“USCIS” or “the agency”) for more than 120 days after Petitioner had been interviewed.

2. USCIS is now prepared to resolve this matter by adjudicating Petitioner’s application for naturalization. However, USCIS cannot adjudicate the application unless and until the Court remands

STIPULATION TO REMAND  
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1 the matter to the agency. *See* 8 U.S.C. § 1447(b) (explaining that the district court “may remand [a  
2 Section 1447(b) case], with appropriate instructions, to the [USCIS]”); *United States v. Hovsepian*, 359  
3 F.3d 1144, 1160 (9<sup>th</sup> Cir. 2004) (accord).

4 Accordingly, IT IS HEREBY STIPULATED that:

5 1. The Court shall remand this case to USCIS, directing the agency to take any and all  
6 necessary actions, and issue a decision on Petitioner’s application for naturalization within 30 days of  
7 the remand order.

8 2. If USCIS does not issue a decision on Petitioner’s application for naturalization within  
9 the time frame set forth in paragraph 1 above, Respondents will not oppose any request by Petitioner to  
10 this Court to vacate the remand order and thereby re-assert jurisdiction over Petitioner’s action pursuant  
11 to 8 U.S.C. § 1447(b). Each party will bear their own costs and attorney fees.

12 Date: April 11, 2016

Respectfully submitted,

13 BRIAN J. STRETCH  
14 United States Attorney

15 /s/  
16 SARA WINSLOW  
17 Assistant United States Attorney  
18 Attorneys for Respondents

19 Dated: April 9, 2016

/s/  
20 ROBERT BAIZER  
21 Attorney for Petitioner

22 **ORDER**

23 Pursuant to stipulation, IT IS SO ORDERED.

24  
25 Date: 4/26/16

26 Kandis Westmore  
27 KANDIS A. WESTMORE  
28 United States Magistrate Judge